

TO THE HONORABLE UNITED STATES DISTRICT JUDGE LYNN  
HUGHES:

Defendant POWDER CITY, LLC (“Defendant”) files this Unopposed Motion to Modify the Court’s April 5, 2017 Discovery Order, and would respectfully show as follows:

1. Pursuant to the Court’s February 21, 2017 discovery order [Doc. 10], Plaintiffs and Defendant submitted a joint status report on April 4, 2017. [Doc. 13]. In this report, Plaintiffs requested additional information and documentation from Defendant. *Id.*

2. Specifically, the joint status report requested: “3. All records and correspondence pertaining to all consumer/customer complaints regarding Tianeptune.” *Id.* Based on the language of this request, Defendant agreed that it would be able to produce documents responsive to this request by April 14, 2017.
3. Following the filing of the joint status report, the Court entered its second Discovery Control order on April 5, 2017 [Doc. 14]. Under I, C, the Order requires the Defendant to produce “All non-protected records and correspondence involving customer complaints.” *Id.*
4. The scope of the Court’s Order encompasses documents which the Plaintiff did not request in the parties joint status report. Further, Defendant asserts that compliance with the Discovery Order, as phrased as to Item I., C, creates an undue burden on Defendant. Defendant has experienced a reduction in workforce following its decision to cease its business operations, and estimates it will take 20-25 hours for its remaining employee to gather these documents.
5. Based on the foregoing, as to Item I., C of the Discovery Order, Powder City requests, and Plaintiffs are not opposed to, the Order be amended as follows:
  - C. Defendant shall produce all non-protected records and correspondence involving customer complaints regarding tianeptine by April 19, 2017.

6. In the event that the Court denies this request, Powder City requests that its deadline to respond to Item I., C of the Order be extended to April 21, 2017 and Plaintiffs do not oppose this extension as to this Item of the Order.

WHEREFORE, Defendant respectfully requests this amendment to the Court's order and confirms that this request is not made for the purpose of delay.

Respectfully Submitted,

By /s/ John R. Shepperd  
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**CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with counsel for Plaintiffs regarding the foregoing Motion and confirm that Plaintiffs are unopposed to the motion and request for relief therein.

/s/ Garrett A. Willig  
Garrett A. Willig

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing motion has been served on all parties in conformance with the Federal Rules of Civil Procedure and/or local rules of the Southern District of Texas on this 13<sup>th</sup> day of April, 2017.

/s/ Garrett A. Willig  
Garrett A. Willig